

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
August 11, 2009**

1. Present

Commissioners:

Sherwood Bishop, Chair
Ryan Thomason, Vice-Chair
Bill De Soto
Bill Taylor (Absent)
Curtis Seebeck
Allen Shy
Cecil Pounds (Absent)
Jim Stark
Randy Bryan

City Staff:

Chuck Swallow, Director of Development Services
Francis Serna, Recording Secretary
Phil Steed, Planner
Sofia Nelson, Planner

2. Call to Order and Announce a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday August 11, 2009 in the Municipal Courtroom, Municipal Building of the City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience.

4. Executive Session

There were no discussions.

5. Citizen Comment Period

There were no citizen comments.

6. CUP-09-16. Hold a public hearing and consider a request by Mark Smith, on behalf of Zooka's LLC, for a renewal of a TABC Conditional Use Permit to allow the on-premise consumption of beer and wine at 312 University Dr., Suite A.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Thomason, the Commission voted seven (7) for and none (0) opposed, to approve that the CUP shall be valid for life of the TABC license, provided standards are met, subject to the point system. The motion carried unanimously.

7. CUP-09-17. Hold a public hearing and consider a request by Dawna Figol, on behalf of Newton Gang's Getaway LLC, for a renewal and amendment of a Restricted TABC Conditional Use Permit to allow the on-premise consumption of liquor, beer and wine at 100 W. Hopkins.

Chair Bishop opened the public hearing. Dawna Figol, 331 Pinnacle Parkway, New Braunfels, and owner stated she is trying to reopen the business. She spoke in support of the request. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Bryan the Commission voted seven (7) for and none (0) opposed, to approve that the CUP shall be valid for two (2) months, provided standards are met, subject to the point system; the applicant meet all reporting requirements in 4.3.4.2 (b) (7), and the applicant receive a food service permit from the Health Department by submitting all required information and receiving all necessary inspections. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Shy and a second by Commissioner DeSoto the Commission voted seven (7) for and none (0) opposed, to amend the main motion that the CUP shall be valid for three (3) years, provided standards are met, subject to the point system; the applicant meet all reporting requirements in 4.3.4.2 (b) (7), and the applicant receive a food service permit from the Health Department by submitting all required information and receiving all necessary inspections. The motion carried unanimously.

8. PC-04-07(03B). Consider a request by David Kneuper, P.E. with Baker-Aicklen & Associates, Inc., on behalf of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints to amend the final plat of Lot 1, Blanco Vista LDS Church, being 5.482 acres out of the William Ward League, ABS 467, Hays County, located in the 3300 Block of Trail Ridge Pass.

MOTION: Upon a motion made by Commissioner Thomason and a second by Commissioner Seebeck, the Commission voted seven (7) for and none (0) opposed, to approve the request. The motion carried unanimously.

9. LUA-09-08. Hold a public hearing and consider a request by Jason Howell for a land use amendment from Low-Density Residential (LDR) to Medium-Density Residential (MDR) for the property located at 407 A&B Sarah St. The Subject property consists of .2583 acres.

Chair Bishop opened the public hearing. Jason Howell, 1261 W. San Antonio, and applicant stated he was in support of the request. He said he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner DeSoto and a second by Commissioner Shy, the Commission voted seven (7) for and none (0) opposed, to approve the request as submitted. The motion carried unanimously.

10. ZC-09-11. Hold a public hearing and consider a request by Jason Howell for a zoning change from Single Family Residential (SF-6) to Duplex Restricted (DR) for the property located at 407 A&B Sarah St. The subject property consists of .2583 acres.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Thomason and a second by Commissioner Shy the Commission voted seven (7) for and none (0) opposed, to approve that the request. The motion carried unanimously.

11. Planning Issues:

- a. Hold a public hearing with consideration and possible action recommending to the City Council for the proposed addition of "convenience store with gas sales" to the land use matrix.

Chair Bishop opened the public hearing. Steve Ramsey, Baker-Aicklen & Associates, stated he was present on behalf of the owner of the gas station located on Guadalupe Street. He spoke in support to allow convenience store with gas sales in the Central Business Area. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Shy the Commission voted seven (7) for and none (0) opposed, to approve the request. The motion carried unanimously.

- b. American Planning Association Texas Conference Update.

The Commissioners were advised that the APA Conference will be held in Galveston, Texas from October 7-10. They were asked to contact staff if they were interested in attending.

12. Discussion Items.

Planning Report

The Commissioners were advised that the Planning Commissioner's Retreat will be held on Tuesday and Wednesday, September 29 & 30th. They were asked to submit suggestions for the agenda to staff.

Commissioners' Report

Chair Bishop asked the Commissioners to review their packets prior to the meetings.

13. Consider approval of the minutes from the Regular Meeting of July 28, 2009.

MOTION: Upon a motion made by Commissioner Thomason and a second by Commissioner Bryan, the Commission voted five (5) for, zero (0) opposed, and two (2) abstained to approve the Regular Meeting Minutes of July 28, 2009 with corrections. The motion carried. Commissioners DeSoto and Seebeck abstained.

14. Questions and answers from the Press and Public.

There were no comments from the press and public.


15. Adjournment

Chair Bishop adjourned the Planning and Zoning Commission at 7:10 p.m. on Tuesday, August 11, 2009.


Sherwood Bishop, Chair


Jim Stark, Commissioner


Allen Shy, Commissioner


Bill DeSoto, Commissioner


Ryan Thomason, Vice Commissioner


Randy Bryan, Commissioner


Curtis Seebeck, Commissioner

ATTEST: 
Francis Serna, Recording Secretary